

September 2012

**Department of Environmental Quality
Proposed Opencut Mining Program Legislation 2014-2015**

Revise response timelines for repeatedly deficient applications for opencut mining permits

Purpose: To more effectively manage review of applications for opencut mining permits.

Justification: The Opencut Mining Act requires the department to provide an applicant a detailed identification of deficiencies within 30 days of receipt of a complete application (or within 45 days if a public meeting may be needed) and within 10 working days of the applicant's subsequent response to the identified deficiencies. Most applicants are able to successfully address deficiencies within a couple of iterations. The department conducts training in what is required in an application, and the program's website includes guidance documents and examples of successful applications.

However, severely deficient applications may take several iterations to correct substantial problems. At each iteration, the department is required by law to prepare a detailed response within 10 working days.

The department is proposing to extend the review time from 10 working days to 30 working days only for reviews that have already received three deficiency letters. This would allow the department time to schedule these problematic reviews without delaying those applications that are approvable. This change also would provide an incentive for an applicant to work to submit a more acceptable application on the front end of the process.